

REMARKS

Claims 1-15 were pending. Claims 1, 4-9, and 11-14 have been amended. Claims 16-26 have been added. No claims have been cancelled. Accordingly, claims 1-26 are presently pending.

Independent claims 1 and 12, as well as claims 2-9 and 13-14 which depend therefrom, stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lax et al. (USPN 5,458,596). Applicant respectfully submits that these rejections are overcome by the amendments to independent claims 1 and 12.

Lax et al. do not describe or suggest at least "aspirating the irrigating solution through a lumen in the probe, wherein the lumen has a distal opening located within a cavity defined by the probe and the electrode is disposed in the cavity" (claim 1), and "aspirating the irrigating solution through an annular lumen in the probe" (claim 12). Rather, Lax et al. describe a return channel 52 formed between a cuff 50 and an insulated housing 46 (col. 8, lines 51-56; Fig. 10). Return channel 52 is on the outside of insulated housing 46, whereas electrode 14 is within a cavity formed on the inside of insulated housing 46. Because insulated housing 46 separates return channel 52 and the cavity containing electrode 14, return channel 52 does not have "a distal opening located within a cavity defined by the probe [in which] the electrode is disposed" (claim 1). Further, return channel 52 is formed on two sides of the apparatus, and is not "annular" (claim 12).

Therefore, claims 1 and 12, and claims 2-9 and 13-14 which depend therefrom, are patentable over Lax et al.

Dependent claims 10, 11, and 15 stand rejected as being obvious over Lax et al. in view of either Eggers et al. (USPN 5,697,882) or Willink et al. (USPN 6,254,600). However, neither Eggers et al. nor Willink et al. overcomes the deficiencies in Lax et al. discussed above. Accordingly, Applicant submits that claims 10, 11, and 15 are patentable over the cited combinations.

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Applicant does not acquiesce in any of the characterizations of the art relating to the dependent claims, nor in the asserted motivation to combine the secondary references of Eggers et al. and Willink et al.

Applicant has added new claims 16-26 which are believed to be patentable for at least the reasons discussed above.

Applicant respectfully requests that the Examiner consider the references submitted in the IDS filed on February 25, 2002, initial the references on the four pages of PTO-Form 1449, and return the initialed pages to Applicant.